

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

TUMEY L.L.P.
and
TOD T. TUMEY

Plaintiffs,

Case No. 4:21-cv-00113

vs.

MYCROFT AI INC.,
JOSHUA MONTGOMERY,
and MICHAEL LEWIS

Defendants.

EXHIBIT 1: DECLARATION OF STACEY GILMAN

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DECLARATION OF STACEY GILMAN

I, Stacey Gilman, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following statements are true and correct:

1. My name is Stacey Gilman. I am a partner at Berkowitz Oliver, LLP, and I am counsel of record for Plaintiffs in *Tod Tumey and Tumey L.L.P. v. Mycroft AI Inc., Joshua Montgomery and Michael Lewis*, W.D. Mo. Case No. 4:21-cv-113. I am over eighteen (18) years of age, and I am fully competent to give the testimony contained in this Declaration. I have personal knowledge of the facts stated herein, and they are all true and correct.

2. On February 3, 2022, while reviewing the proposed deposition schedule of Defendants' designated Expert being negotiated by Plaintiffs' Counsel David Wooten and Defendants' Counsel David Marcus, I discovered that Defendants' Expert was an individual that had previously been involved in substantive confidential discussions with my co-counsel, Laren Tallent, and me during our expert vetting process.


3. Specifically, Mr. Lanterman had been contacted by my firm regarding his availability as an expert witness in or around May of last year. Mr. Lanterman informed us that he was clear of any conflicts. In reliance upon that representation, we then entered into discussions with him on May 21, 2021 regarding the Plaintiffs' case. During these discussions, Mr. Lanterman and his son (who also works with him), Joseph Lanterman, spoke in a conference call with my co-counsel, Lauren Tallent, and me about, without limitation: (1) Plaintiffs' evidence in this case, including Plaintiffs' arguments and evidence in support thereto; (2) Mr. Lanterman's view of the evidence and potential next steps in the case (3) Plaintiffs' discovery strategies, with Mr. Lanterman providing recommendations for third party and forensic approaches to discovery; and (4) Chilton

Webb's role as Plaintiffs' expert/percipient witness, and how and why Plaintiffs might use Mr. Lanterman to supplement their evidence from him).

4. Mr. Lanterman also provided Plaintiffs with an engagement letter after further communications with Ms. Tallent about work-product privilege as it related to the work being contemplated. *See* Attachment 1, engagement letter.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of February, 2022, at Kansas City, Missouri.


Stacey Gilman